

House Amendment to
Senate Amendment to
House File 609

S-5182

1 Amend the Senate amendment, H-8388, to House File
2 609, as passed by the House, as follows:
3 1. Page 1, after line 4 by inserting:
4 <___. Page 1, after line 4 by inserting:
5 <Sec. ___. Section 557.7, Code 2011, is amended to
6 read as follows:
7 **557.7 Contingent remainders.**
8 **A Except as provided in section 558.68A, a**
9 **contingent remainder shall take effect, notwithstanding**
10 **any determination of the particular estate, in the same**
11 **manner in which it would have taken effect if it had**
12 **been an executory devise or a springing or shifting**
13 **use, and shall, as well as such limitations, be subject**
14 **to the rule respecting remoteness known as the rule**
15 **against perpetuities, ~~exclusive of any other supposed~~**
16 **~~rule respecting limitations to successive generations~~**
17 **~~or double possibilities.~~**
18 **Sec. ___. NEW SECTION. 558.68A Exception to rule**
19 **against perpetuities.**
20 1. Notwithstanding section 558.68, a rule of
21 law against perpetuities, a suspension of the power
22 of alienation of the title to property, or a law
23 restricting or limiting the duration of trusts shall
24 not apply with respect to any interest in real or
25 personal property held in trust if the instrument
26 creating the trust specifically states that such rule
27 or the provisions of section 558.68 shall not apply
28 to the trust and if either the trustee of the trust
29 has unlimited power to sell all trust assets or if one
30 or more persons, one of whom may be the trustee, has
31 unlimited power to terminate the entire trust.
32 2. A trust of real or personal property created
33 by an employer as part of a stock bonus plan, pension
34 plan, disability or death benefit plan, or profit
35 sharing plan, for the benefit of some or all the
36 employer's employees, to which contributions are made
37 by the employer or employees, or both, for the purposes
38 of distributing to the employees or their beneficiaries
39 the earnings or the principal, or both, of such
40 trust is not invalid as violating the rule against
41 perpetuities or any other law restricting or limiting
42 the duration of trusts; but the trust may continue for
43 the time that is necessary to accomplish the purposes
44 for which it was created.
45 3. Subsection 1 shall be effective for interests
46 in real or personal property in trust created by an
47 inter vivos or testamentary trust or will executed on
48 or after July 1, 2012, or pursuant to the exercise of
49 a general power of appointment created on or after
50 July 1, 2012. For the purposes of this subsection,

1 *“general power of appointment”* means a power that is
2 exercisable in favor of the individual possessing the
3 power, the person’s estate, the person’s creditors, or
4 the creditors of the person’s estate.>>

5 2. Page 5, line 36, after <including> by inserting
6 <trusts of real or personal property,>

7 3. By renumbering as necessary.